July 6, 2001

Mr. H. A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. MB0207 AND MB0208)

Dear Mr. Sepp:

By letter dated June 18, 2001 (TXX-01102), TXU Electric provided a response to a Nuclear Regulatory Commission (NRC) request for additional information regarding its license amendment request for revision to the technical specifications for spent fuel assembly storage racks and fuel storage capacity. Enclosure 4 to TXX-01102 (WPT-16168) contains Westinghouse information marked “Proprietary”, related to axial burn-up shape reactivity bias. A letter dated June 27, 2001 (TXX-01115), from TXU Electric transmitted to NRC a letter and affidavit (CAW-01-1464, Revision 1) dated June 18, 2001, from John S. Galembush, Acting Manager, Regulatory and Licensing Engineering, Westinghouse, requesting that the information contained in WPT-16168 be withheld from public disclosure pursuant to Section 2.790 of Title 10 of the *Code of Federal Regulations* (10 CFR). A nonproprietary version of WPT-16168 was provided as Enclosure 6 to TXX-01102 for placement in the NRC's public document room and has been added to the Agency wide Documents Access and Management System Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that, pursuant to 10 CFR 2.790(b)(4), WPT-16168 should be considered exempt from mandatory public disclosure based on the following criteria:

(4)(ii)(a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse’s competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.

(4)(ii)(c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

***/RA/***

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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Sincerely,

***/RA/***

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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OFFICIAL RECORD COPY

cc:

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